

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4817 of 1986

And

SPECIAL CIVIL APPLICATION No.4820 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

P.A.Buch in Spl.C.A.No. 4817 of 1986

B.C.Shah in Spl.C.A.No. 4820 of 1986

Versus

STATE OF GUJARAT in both petitions.

Appearance: Special Civil Application No. 4817 of 1986
and Special Civil Application No.4820 of 1986 :

MR S TRIPATHY for Petitioner

MR.A.B.PANCHOLI ASSTT. GOVT. PLEADER instructed
by M/S MG DOSHIT & CO for Respondents.

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 12/08/1999

ORAL COMMON JUDGEMENT

In these petitions, two in number, what is prayed
for is a writ of mandamus to direct the State of Gujarat
and G.P.S.C. to relax the upper age limit to cover the

cases of all the eligible candidates who could compete in the Sales Tax Inspectors and Deputy Mamlatdar Recruitment Competitive Examinations, if it could have been held in the years 1982 and 1983 and who had become ineligible for appearing at the said competitive examinations for which advertisement was issued on 2/3/1986.

2. While admitting these petitions, no interim relief was granted. In the meanwhile, the examinations pursuant to the aforesaid advertisement dt. 2/3/1986 were held on 18th and 19th October, 1986 and petitioners could not appear in such examinations. The result of the said examinations was also declared on 20-11-1987.

3. Mr. Pancholi, learned AGP has pointed out that as per statutory rules, the candidates are not eligible for appearing in the said competitive examination, if they have completed 28 years of age as on the relevant cut off date. The petitioner in Special Civil Application No. 4817 of 1986 (P.A.Buch) was born on 17-5-1955 and therefore he completed 28 years of age on 16/5/1983. He had an opportunity to appear at the aforesaid examination in the year 1980 pursuant to the advertisement dt. 1/4/1980 as well as at the examination pursuant to the advertisement dt. 12/12/1981. Mr. Pancholi states that as a matter of fact, the said petitioner did appear at the examination held on 20/26-6-1982 pursuant to the advertisement dt. 12/12/1981 and pursuant to the result of the said examination declared on 8/4/1983, the name of P.A.Buch was recommended by the G.P.S.C. to the State Government and the said petitioner was appointed as an Assistant in the Vidhan Sabha, Sachivalaya. In view of the above facts, this court does not think it fit to go into the merit of controversy raised by the first petitioner.

4. So far as petitioner of Special Civil Application No. 4820 of 1986 (B.C.Shah) is concerned, he was born on 12/1/1950. Therefore, he completed 28 years of age on 12/1/1984. He also had an opportunity to appear at the competitive examination held pursuant to the advertisements dt. 1/4/1980 as well as 12/12/1991. In this view of the matter and particularly in view of the fact that no interim relief was granted in favour of the petitioners, these petitions have become infructuous. Both the petitions are, therefore, dismissed.

5. Rule is discharged in each petition with no order as to costs.

Date:12/8/1999 ----

(ccshah)